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By Federal Express

November 7, 2018

City Clerk
200 N. Main Street, 3rd Floor
Los Angeles, CA 90012

Re: Govt. Code § 910 claim for damages for Rex Schellenberg

To the City Clerk:

This letter is written in compliance with California Government Code Section 910 et seq. The claim for damages is presented on behalf of Rex Schellenberg, a homeless individual in the San Fernando Valley, whose property was seized and destroyed by City of Los Angeles employees on multiple occasions.

On or about July 10, 2018, City employees – members of the Los Angeles Police Department (LAPD) and Department of Public Works – exercised their authority under color of law to seize and destroy Mr. Schellenberg's personal property. Mr. Schellenberg was residing on the sidewalk, near the intersection of Platt and Victory when a Department of Public Works trash truck and LAPD officers approached him at a nearby Carl's Jr parking lot. Mr. Schellenberg's property was neatly stored on the sidewalk against the fence of a nearby drainage channel. Under the direction of LAPD "H.O.P.E. Team" Officer Garza, City employees seized Mr. Schellenberg's personal property and destroyed it in a garbage compressor. Mr. Schellenberg objected and explained that his property was not trash but Officer Garza told him that he would decide which property Mr. Schellenberg could keep.

Mr. Schellenberg's essential property such as clothes and blankets were destroyed that day, including a laptop, a cook stove, and non-perishable food. Mr. Schellenberg is disabled, and in order to avoid a citation for possession of a shopping cart, he purchased a small push cart that he used to transport his items. The push cart was also seized and destroyed that day.

On or about September 6, 2018, Mr. Schellenberg was residing on the sidewalk at the intersection of Topanga Canyon Blvd and Burbank Blvd. Previously, Senior Lead Officer Denci of the Community Relations Division had instructed Mr. Schellenberg that he could maintain his personal property on the sidewalk, so long as he did not obstruct pedestrian traffic. Mr. Schellenberg confirmed with Officer Denci that if he kept some property under a bus bench and his push cart against the fence, he would not be obstructing the sidewalk. Under Officer Denci's direction, Mr. Schellenberg did just that. That morning, however, Officer Garza, five additional LAPD Officers, and Public Works employees arrived at the intersection of Topanga Canyon

Blvd and Burbank Blvd with a trash truck and a flatbed truck. City employees confiscated Mr. Schellenberg's property once again and disposed of it in the trash truck. No property was taken on the flatbed truck and placed in storage. Mr. Schellenberg was left with only a handful of items, some prescribed medication. Photographs of this incident are attached.

On or about September 19, 2018 and October 23, 2018, City employees again seized Mr. Schellenberg's personal property while he was staying near the intersection of Ventura and Don Pio Dr. He was, once again, stripped of his essential property such as clothing, blankets, and food. On information and belief, LAPD Officer Garza was also involved in both of these incidents.

None of the above property sweeps were noticed, nor was Mr. Schellenberg ever afforded an opportunity to reclaim his property. The actions of the City employees in these four instances violated the claimant's rights under California Civil Code § 52.1, Civil Code § 54 et seq., § 2080 et seq., California Constitution provisions guaranteeing protections against unlawful seizure of property and due process of law, and 42 U.S.C. § 1983: Fourth, Fifth, and Fourteenth Amendments. As a consequence of the City's actions, Mr. Schellenberg has suffered statutory and tort damages under various provisions of California law. He has also suffered damages for violations of his constitutional rights in an amount to be determined. He will seek attorney's fees and costs, as permitted by law.

The claimant can be reached through his counsel at the contacted information listed on the letterhead. Any response or other communications concerning this claim for damages should be addressed to counsel.

Sincerely,

Carol A. Sobel

Carol A. Sobel


15'-2"

